REMARKS

The present application was filed on January 20, 2000 with claims 1 through 24. Claims 1 through 24 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1-4, 6-9, 12-16, 18-21, and 24
5   under 35 U.S.C. § 102(e) as being anticipated by McAllister et al. (United States Patent Number 6,215,765) and rejected claims 5, 10, 11, 17, 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over McAllister et al., and further in view of Ash et al. (United States Patent Number 4,345,116).

The present invention is directed to a method and apparatus for alleviating congestion
10   and overload in a distributed call-processing system interconnected through a packet based network, such as an IP or an ATM network. The illustrative IP network includes a plurality of end terminals (ETs) and distributed call processors (CPs). When an end terminal (ET) wants to place a call, the end terminal (ET) send a call set up message to a call processor (CP). According to an aspect of the invention, the call processor will determine whether to process the request or to forward the request
15   to another call processor. Generally, the call processor will declare an overload condition if sufficient resources (such as processing or memory resources) are not available to process a given call. If a call processor determines that it is too congested to process a call, the call processor enters an overload condition, selects an alternate call processor and forwards the request to the alternate call processor.

20   Independent Claims 1, 8, 13 and 20

Independent claims 1, 8, 13, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by McAllister et al.

Regarding claims 1 and 8, the Examiner asserts that McAllister teaches that a "call processor is congested."

25   Applicants note that McAllister is directed to rerouting a call due to congestion or physical failure. See, Abstract. McAllister defines congestion in regard to network links, not call processors. McAllister teaches that "congestion may occur on a network link if many incoming streams of traffic all terminate on the same outbound link, or the outbound link may (be) busy or

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down due to failure." Col. 1, lines 10-12. Independent claims 1 and 13 require "whereby said forwarded call set up request indicates to said alternate call processor that said congested call processor is congested" and independent claims 8 and 20 require "setting a flag associated with said congested call processor."

5   In the Response to Arguments section of the present Office Action, the Examiner asserts that the Applicants maintain "that the call processor is part of the network link." To the contrary, Applicants maintain that the call processor is *not* part of the network link. Thus, McAllister is not addressing the congestion of call processors.

          The Examiner further states that, "secondly, the connection between the 'many

10   incoming streams of traffic all terminate on the same outbound link' is the call processor." As noted above, McAllister clearly teaches that "congestion may occur *on a network link* if many incoming streams of traffic all terminate on the same outbound link." Applicants maintain that McAllister is addressing the congestion on a network link and not a call processor. In particular, if the bandwidth of "many incoming streams of traffic" exceeds the bandwidth of the "same outbound link," then the

15   outbound link will be congested. The call processor, however, will *not* be congested if it has enough processing power to handle the bandwidth of the incoming streams of traffic. Thus, network link congestion is *not* the same as call processor congestion.

          In addition, since McAllister does not address congestion of call processors, McAllister does not disclose or suggest "whereby said forwarded call set up request indicates to said

20   alternate call processor that said congested call processor is congested" and does not disclose or suggest "setting a flag associated with said congested call processor."

          Thus, McAllister does not disclose or suggest "whereby said forwarded call set up request indicates to said alternate call processor that said congested call processor is congested," as required by independent claims 1 and 13, and does not disclose or suggest "setting a flag associated

25   with said congested call processor," as required by independent claims 8 and 20.

Additional Cited References

          Ash et al. was also cited by the Examiner in rejecting claims 5, 10, 11, 17, 22, and 23 for its disclosure that Ash teaches that "crankback is used in a time sensitive environment where

alternate routing is responsive to variations in traffic demand."

Applicant notes that Ash is directed to an "alternate routing method which allows route choices without regard to network hierarchy. A plurality of routing sequences is generated, each route sequence including a plurality of route choices and being time sensitive to traffic demands, subject to a grade of service constraint and used for some predetermined time interval during which the sequence tends to mitigate network cost." See, Abstract. Ash does not address the issue of handling congested call processors.

Thus, Ash does not disclose or suggest "whereby said forwarded call set up request indicates to said alternate call processor that said congested call processor is congested," as required by independent claims 1 and 13, and does not disclose or suggest "setting a flag associated with said congested call processor," as required by independent claims 8 and 20.

Dependent Claims 2-7, 9-12, 14-19 and 21-24

Dependent claims 2-4, 6-7, 9, 12, 14-16, 18-19, 21, and 24 were rejected under 35 U.S.C. § 102(e) as being anticipated by McAllister et al. and dependent claims 5, 10, 11, 17, 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over McAllister et al., and further in view of Ash et al.

Claims 2-7, 9-12, 14-19, and 21-24 are dependent on claims 1, 8, 13, and 20, respectively, and are therefore patentably distinguished over McAllister et al. and Ash et al. (alone or in any combination) because of their dependency from amended independent claims 1, 8, 13, and 20 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,

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